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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,421	01/10/2002	David P. Billings	DOG 2410000	9060

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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/043,421

Applicant(s)

BILLINGS, DAVID P.

Examiner

Sebastiano Passaniti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

This Office action is responsive to communication received 01/10/2002 – Information Disclosure Statement (IDS); 03/01/2002 – Substitute sheets of corrected formal drawings.

Claims 1-24 are pending.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 8, 10, 13, 17, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Sun ('879). As to claim 1, Figures 2 and 3 clearly show a housing forming a cavity. A port is formed in the lower sole portion to allow material such as weights (20) to be placed within the cavity in order to adjust the location of the center of gravity. As to claim 2, note cover (16). As to claim 4, the port is located on the sole. As to claim 8, Sun clearly shows an iron-type club head. As to claim 10, Sun shows a body portion (Figures 2 and 3) along with at least one weighting port (13, 15) for housing weights (20) and a removable weighting port cover (16). As to claim 13, again, the weighting port is located on the sole. As to claim 17, again, Sun discloses an iron-type club head. As to claim 19, as mentioned above, Sun shows a golf club head housing (Figures 2, 3) along with a port for allowing the placement of weighting material therein

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and a port closure. As to claim 21, the closure (16) appears to fit flush with the external surface of the club head surrounding the port (Figure 3).

Claims 1, 2, 5, 8, 10, 14, 17, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Churchward. As to claim 1, Figures 4 and 5 clearly show a club head having a housing forming a cavity. At least one port is formed through the housing to allow placement of weighting material within the housing. As to claim 2, note cover (21). As to claim 5, the weighting port is clearly shown to be on an upper edge or crown portion of the head. As to claim 8, Churchward clearly shows an iron-type club head. As to claim 10, here again, Churchward shows a body portion, a weighting port, and a removable weighting port cover. As to claim 14, Churchward shows the weighting port on an upper edge or crown of the club head. As to claim 17, Churchward again shows an iron-type club head. As to claim 19, Churchward clearly shows a club head housing, a port allowing placement into the cavity of weighting material and a port closure for covering the cavity. As to claim 21, Figure 5 shows a flush fit between the port cover and the external surface of the club head surrounding the port.

Claims 1, 2, 6, 9, 10, 11, 12, 15, 18-22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Mills. As to claim 1, Figures 2 and 3 clearly show a club head having a housing forming a cavity along with a port formed through the housing to allow placement of material to adjust the center of gravity. As to claim 2, note cover plate (38). As to claim 6, the port is located on the wall of the club head housing, notably a rear wall. As to claim 9, Mills shows a putter-type club head. As to claim 10, here again, Mills shows a body portion, a weighting port and a removable

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weighting port cover. As to claim 11, the high strength epoxy or adhesive used between the cover plate and the body of the head serves as a vibration dampener. In other words, the cover plate is not directly placed in contact with the body of the club head. Thus, it is less likely that the cover will rattle or vibrate against the body of the club head. As to claim 12, here again, the epoxy or adhesive between the cover plate and the body serves as a vibration dampener. The dampener is secured to the port closure i.e., it is glued to the closure. As to claim 15, the weighting port is on a wall of the club head, specifically a rear wall. As to claim 18, Mills clearly shows a putter-type club head. As to claim 19, as noted above, the Mills device shows a golf club head having a cavity, a port allowing placement into the cavity and a port closure for covering the cavity. As to claim 20, note lead tape (35). As to claim 21, Figure 3 shows a flush closure between the port cover and the body. As to claim 22, the epoxy used between the port closure and the body serves as a dampener for reducing vibration. As to claim 24, the epoxy or adhesive is literally in contact with the port closure.

Claims 1-4, 7, 10-13, 16, 19 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Held. As to claim 1, Figure 1 shows a club head having a housing forming a cavity and a port formed through the housing to allow placement of material to adjust the center of gravity. As to claim 2, note removable cover plate (8). As to claim 3, cup member (13) constructed of live rubber serves as a vibration-dampening material. Of further interest are rubber disks (14a, 14b) interposed between the body and the removable cover plate. As to claim 4, the port is clearly located on the sole of the housing. As to claim 7, Held shows a club head of the wood-type. As to claim 10-

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13, note the comments for claims 1-4 and 7, supra. As to claim 16, here again, Held shows a club head of the wood-type. As to claim 19, 19, Held shows a club head having a housing having a cavity defining an internal wall. Held also shows a port allowing placement into the cavity of weighting material and a port closure. As to claim 21, it is clear from the notches shown in the club head sole assembly that the removable plate will fit flush with the external surface of the golf club head surrounding the port. As to claims 22-24, Held shows vibration dampening material (13, 14a, 14b) arranged as claimed to help prevent vibration between the cover plate and the club head body.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sahm ('507) shows a weighting arrangement for irons, woods and putters. Hsien shows a rear cavity, weighting assemblies within the cavity and a cover plate. Sun ('994) shows a weight port in the sole of the head. Redman shows a manner of adjusting the center of gravity using removable weights in a cavity in a sole portion of the head. Note plastic plugs (24, 26) in Au. Karns shows a vibration dampening material to lessen the likelihood that the weighting material in the grip portion rattles. Gorman shows the extension of a teaching that suggest weighting material may be used in either the grip portion or the head portion of a club head. Churchward ('934) shows a weighting port in the sole. Note the cushion used between the weight and the club head body in Kobayashi. See Figures 3, 5, 6 and 9 in Wargo. Bowland shows a removable cover for the sole.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 703-308-1006. The examiner can normally be reached on Mon-Fri (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on 703-308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

  
Sebastiano Passaniti  
Primary Examiner  
Art Unit 3711

S.Passaniti/sp  
October 29, 2002